

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EILEEN M. ZIEMBA

Plaintiff

v.

MARILYN R. DIGREGORIO DBA

THE LIDO RESTAURANT

Defendant

Docket No. 05-40103 FDS

**AFFIDAVIT IN SUPPORT OF MOTION TO ENLARGE TIME FOR SERVICE OF
AMENDED COMPLAINT**

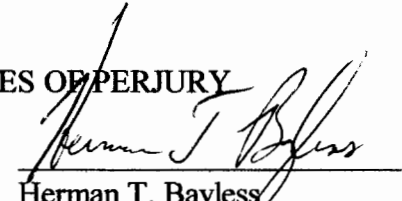
I, Herman T. Bayless, being duly sworn, do hereby depose and state:

1. This is an action for serious personal injury resulting in permanent disability for which Defendant, upon information and belief, is fully insured. Plaintiff has discovered that the defendant is not a corporation but an individual.
2. Through diligent inquiry Plaintiff has finally discovered the physical address of defendant. Plaintiff has earlier attempted service at the physical address of the The Lido Restaurant, but the process server discovered the restaurant was for sale and apparently closed or open only at irregular intervals. No times that the restaurant was open were displayed. I personally went to the restaurant and confirmed these facts. Plaintiff is still attempting to obtain service within the time ordered by the Court but may need a few additional days.

3. Plaintiff has acted diligently despite severe limitations on Plaintiff's counsel time because his eleven year old daughter has required extensive psychiatric care during the past several months due to hallucinations brought on by post-traumatic stress disorder resulting from the death of Plaintiff's counsel's wife.

SWORN TO UNDER THE PAINS AND PENALTIES OF PERJURY

By:


Herman T. Bayless
B.B.O. No. 557032
118 Main Street
Sturbridge, MA 01566
(508) 797-3777

Date: January 25, 2006